

United States District Court
District of Minnesota
Criminal No. 14-0253 (DSD)

United States of America,

Plaintiff,

v.

ORDER

Jermaine Doshon Travis,

Defendant.

This matter is before the court upon the pro se motion to appoint counsel by defendant Jermaine Doshon Travis. Based on a review of the file, record, and proceedings herein, and for the following reasons, the motion is denied.

On November 19, 2015, Travis was sentenced to 192 months' imprisonment based on his guilty plea to one count of possession with intent to distribute heroin, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C). Travis appealed on December 1, 2015, and the Eighth Circuit Court of Appeals affirmed his sentence on October 27, 2016.

On July 13, 2020, Travis filed a pro se motion to appoint counsel, seeking the appointment of a federal defender, and indicated that he would like to file a motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). The Office of the Federal Defender for the District of Minnesota reviewed Travis's case and, on August 3, 2020, sent a letter to Travis informing

him that it would not be representing him on his potential motion under § 3582(c).

Defendants have neither a Sixth Amendment right nor a statutory right to the appointment of counsel in connection with a motion under § 3582(c). See United States v. Brown, 565 F.3d 1093, 1094 (8th Cir. 2009) (holding that there is no Sixth Amendment right to counsel for motions under § 3582); United States v. Whitebird, 55 F.3d 1007, 1010 (5th Cir. 1995) (holding that a motion under § 3582 is not an "ancillary matter" for which the appointment of counsel is required under 18 U.S.C. § 3006A(c)). Further, because Travis has not yet filed his motion for compassionate release, the court is unable to determine whether counsel would aide in the success of any such motion.

Accordingly, **IT IS HEREBY ORDERED** that the motion to appoint counsel [ECF No. 113] is denied without prejudice.

Dated: August 11, 2020

s/David S. Doty
David S. Doty, Judge
United States District Court